

JUN 29 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re Application of: SAKAI et al.

Serial No.: 10/018,576

Filed: December 20, 2001

For: Positive Electrode Active Material For  
Secondary Battery and Manufacturing Method  
Thereof and Nonaqueous Electrolytic Solution  
Secondary Battery Therewith, and Recovered  
Electronic Functional Material and Reproduction  
Method of Electronic Functional Material

Art Unit: 1752

Examiner: Hoa Van Le

Atty. Docket: 966928.00002

## RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 4, 2004, requesting an election of claims in the above-referenced patent application, Applicants hereby provisionally elect to prosecute the claims of Group I (Claims 1-6, 14, 31 and 33, drawn to a novel metal oxide powder of a conventional or known secondary battery), without traverse.

This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more divisional applications to the non-elected groups. Accordingly, consideration and allowance of the elected claims, is respectfully requested.

Additionally, it is noted that the Examiner has indicated that the fee for only twenty-nine (29) claims was paid at the time of filing. That is incorrect. The fee for thirty-one (31) claims was paid at the time of filing (Check No. 12327 in the amount of

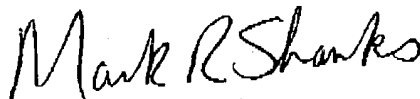
\$1,592) and no further balance should be required. We attach copies of the following documents to support our claim:

1. Copy of Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371 (highlighted);
2. Copy of the returned postcard receipt; and
3. Copy of stub for Check No. 12327.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor are hereby authorized to be charged to Deposit Account No. 50-0622.

Respectfully submitted,

REED SMITH, LLP



By: Mark R. Shanks

Reg. No. 33,781

Date: 6/28/04

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